

### **REMARKS**

The Office Action mailed August 22, 2003 has been reviewed and carefully considered. Claim 25 has been added. Claims 1-26 are pending in this application, of which claims 1, 8, 14 and 19 are the independent claims. Dependent claims 3, 9, 15 and 21 have each been redrafted into independent form as claims 1, 8 and 14, respectively, but have not otherwise been amended except for cited informalities. Claims 19-24 and 26 have been cancelled without prejudice or disclaimer.

Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

The abstract was objected to for non-narrative language and is believed to overcome the objection as now amended.

Claims 8, 13 and 17 were objected to for formalities that have now been corrected.

Claims 5-7, 10, 17 and 22 were rejected under 35 U.S.C. 112, second paragraph, for indefiniteness. These claims have now been amended in a manner believed to overcome the basis for rejection.

Claims 1-5, 8-10, 12-16, 19-22 and 24 stand rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 6,526,092 to Nelson et al. ("Nelson").

Dependent claims 3, 9, and 15 have each been redrafted into independent form as claims 1, 8, and 14, respectively.

As to claim 3 (now claim 1), it recites "wherein the host computer, prior to the creation of the file for production, attaches information relating to a storage address of

the flash memory, a compression state, and a booting state for the production file,” a limitation that Nelson fails to disclose or suggest.

Item 12 of the Office Action cites lines 23-31 of column 8 of Nelson, which mentions some attached information, but does not disclose or suggest a “compression state” or a “booting state” as explicitly required by the language of claim 1 as amended. Accordingly, for at least this reason, Nelson fails to anticipate the invention as recited in claim 1. Reconsideration and withdrawal of the rejection is respectfully requested.

As to claim 9 (now claim 8), it recites “a second memory means coupled to said first memory means for storing a copy of information stored in said first memory means to be replaced with said updated firmware” which Nelson fails to disclose or suggest.

Item 12 of the Office Action cites lines 47-51 of column 3 of Nelson, but that passage refers to storing program data in RAM as a temporary measure, and then moving the stored program data from RAM to PROM. There is no disclosure or suggestion of retaining the RAM copy after this movement and then replacing it in RAM with updated firmware. In particular, there is no mention or hint of “a second memory means coupled to said first memory means for storing a copy of information stored in said first memory means to be replaced with said updated firmware.” For at least this reason, Nelson fails to anticipate the invention as recited in claim 8 as amended. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 14 has been amended in the same way as claim 1, and is likewise deemed to be patentable over Nelson for at least the same reason.

Claims 6, 7, 11, 17, 18 and 23 stand rejected under 35 U.S.C. 103(a) as unpatentable over Nelson.

Each of these claims depends from a base claim, each of which has been shown to be patentable over Nelson. These dependent claims are likewise deemed to be patentable over Nelson for at least the same reason as their respective base claims.

The remaining rejected claims each depend from a base claim that has been shown to be patentable and are likewise deemed to be patentable.

New claim 25 has been added to more particularly point out what the applicant considers to be the invention. The new claims find support in the specification (e.g., page 13, line 17 – page 14, line 8).

In view of the foregoing amendments and remarks, it is believed that this application is now in condition for allowance. The Examiner is invited to contact the undersigned in the event of any perceived outstanding issues so that passage of the case to issue can be effected without the need for a further Office Action.

In the event that any additional fee is required to continue the prosecution of this Application as requested, please charge such fee to Deposit Account No. 502-470.

Respectfully submitted,

CHA & REITER

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Date: 11/19/03

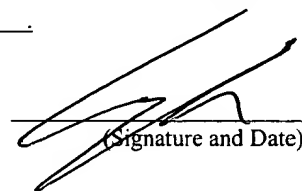
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(Signature and Date)

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**SPECIFICATION:**

Revise the abstract as follows:

-- ABSTRACT OF THE DISCLOSURE

~~Disclosed is an apparatus and method for upgrading the~~ A program on a firmware board is upgraded without cutting off power or resort to additional firmware writing hardware by providing the board with a flash memory which stores a file for production and a production-processing program for updating the file. ~~In the embodiment of the apparatus, a flash memory is provided on the firmware board and stores a program for production therein.~~ A host computer produces the file for production by converting an execution file prepared in advance into the file for production. A personal computer (PC) receives the file for production downloaded from the host computer and stores the downloaded file for production in the corresponding region of the flash memory. The PC stores the file for production in the corresponding region of the flash memory using the production-processing program of the firmware board.--